#### IC 31-19-4.5

## Chapter 4.5. Other Persons Entitled to Notice of Adoption

#### IC 31-19-4.5-1

## **Application**

Sec. 1. This chapter:

- (1) shall not be construed to affect notice of an adoption provided to a putative father under IC 31-19-4; and
- (2) applies to a father who has abandoned, failed to support, or failed to communicate with a child.

As added by P.L.61-2003, SEC.10. Amended by P.L.146-2007, SEC.7.

#### IC 31-19-4.5-2

## Notice when consent not required

- Sec. 2. Except as provided in IC 31-19-2.5-4, if a petition for adoption alleges that consent to adoption is not required under IC 31-19-9-8, notice of the adoption must be given to the person from whom consent is allegedly not required under IC 31-19-9-8. Notice shall be given:
  - (1) in the same manner as a summons and complaint are served under Rule 4.1 of the Indiana Rules of Trial Procedure if the person's name and address are known; or
  - (2) in the same manner as a summons is served by publication under Rule 4.13 of the Indiana Rules of Trial Procedure if the name or address of the person is not known;

to a petitioner for adoption.

As added by P.L.61-2003, SEC.10. Amended by P.L.146-2007, SEC.8.

## IC 31-19-4.5-3

## Form of adoption notice

Sec. 3. Notice of the adoption proceeding shall be given to a person entitled to notice under section 2 of this chapter in substantially the following form:

# "NOTICE OF ADOPTION

(	(person's name)	is notifi	ed th	at a p	etition for	adoption
of a child, na	med	(chil	d's n	ame,	if named)	, born to
(mother's name) on				(d	ate) was fi	led in the
	erk of					
court). The pe	tition for adopti	on alleg	es tha	it the	consent to	adoption
of	(person's	name)	is	not	required	because
		(prov	ide a	brie	f descripti	on of the
reason(s) the	consent is not re	equired).				
If	(person's n	ame) see	eks to	con	test the ad	option of
the child,	(person's name) must file a motion to contest					
the adoption is	n accordance w	rith IC 31	l-19-	10-1	in the abor	ve named
court not later	than thirty (30	) days a	fter tl	he da	te of servi	ce of this
notice.						
If	(person's n	ame) do	es no	t file	a motion t	o contest

the adoption within thirty (30) days a	ifter service of this notice the					
above named court will hear and deter	mine the petition for adoption.					
The consent to adoption of	(person's name) will be					
irrevocably implied and	(person's name) will lose the					
right to contest either the adoption or	the validity of's					
(person's name) implied consent to the adoption.						
No oral statement made to	(person's name) relieves					
(person's name) of	's (person's name)					
obligations under this notice.						
This notice complies with IC	31-19-4.5-3 but does not					
exhaustively set forth a person's legal	obligations under the Indiana					
adoption statutes. A person being served with this notice should						

1.1 1 1 1 (20) 1

consult the Indiana adoption statutes.". *As added by P.L.61-2003, SEC.10.* 

#### IC 31-19-4.5-4

## Waiver of notice

Sec. 4. (a) The notice required by this chapter may be waived in writing before or after the birth of a child.

- (b) A waiver of notice under subsection (a) must:
  - (1) be in writing and signed in the presence of a notary public; and
  - (2) acknowledge that:
    - (A) the waiver is irrevocable; and
    - (B) the person signing the waiver will not receive notice of the adoption proceedings.

A person who waives notice of an adoption may not challenge or contest an adoption of the child.

As added by P.L.61-2003, SEC.10. Amended by P.L.130-2005, SEC.3.

## IC 31-19-4.5-5

#### **Content of notice**

Sec. 5. The description in the notice under section 3 of this chapter of the reasons consent to adoption is not required need only include enough information to put a reasonable person on notice that a petition for adoption that alleges the person's consent to adoption is unnecessary is pending. The description does not require an exhaustive description of the reasons the person's consent to adoption is not required.

As added by P.L.61-2003, SEC.10.